

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. SYLVIA ROXANNE HARRIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>CIV-20-478-F</u>
)	(Formerly Oklahoma County
1. COMPCHOICE, LLC.,)	Case No.: CJ-2020-1844)
)	
Defendant.)	

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant, CompChoice, LLC, (referred to herein as “Defendant”), hereby removes this action from the District Court of Oklahoma County, Oklahoma, where it was filed as Cause No. CJ-2020-1844, styled *Sylvia Roxanne Harris v. CompChoice, LLC*, to the United States District Court for the Western District of Oklahoma. As the grounds for removal, Defendant states as follows:

1. Plaintiff filed her Petition in this matter on April 14, 2020 in the District Court of Oklahoma County, Oklahoma, which is located within the Western District of Oklahoma.

2. Defendant was served with Summons and the Petition on May 4, 2020. A copy of Plaintiff’s Petition is attached hereto as Exhibit “1”, and a copy of the Summons is attached hereto as Exhibit “2”. A Copy of the state court docket sheet is attached hereto as Exhibit “3”.

3. This is a civil action over which this Court has original subject matter jurisdiction under the provisions of 28 U.S.C. § 1331. Plaintiff asserts claims for alleged violation of the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Americans with Disabilities Act as Amended, and alleged violation of Title VII of the Civil Rights Act of 1964. *See* Plaintiff's Petition, paragraphs 3, 41, 42 and 52. Plaintiff's claims arise under the laws of the United States and involve issues of federal question. Therefore, this court has jurisdiction under 28 U.S.C. § 1331 and this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441.

4. Plaintiff also brings state law claims which arise out of the same transaction or occurrence as her federal claims, and are part of the same case or controversy pursuant to 28 U.S.C. § 1367(a). Specifically, Plaintiff claims that Defendant violated the Oklahoma Anti-Discrimination Act and the Oklahoma Discrimination in Employment Act. *See* Plaintiff's Petition paragraphs 3, 41, 42 and 52.

5. This Notice of Removal is timely because it is filed within thirty (30) days from the date Defendant received a copy of the Petition. See 28 U.S.C. § 1446(b).

6. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being filed this day with the Clerk of the District Court of Oklahoma County, Oklahoma.

7. In accordance with LCvR 81.2, Fed. R. Civ. P. 81 and 28 U.S.C. § 1446(a), copies of all process and pleadings previously served upon Defendant, including a copy of the state court docket sheet, are attached hereto as Exhibits "1" through "3".

8. There are no motions pending before the Oklahoma County District Court in this matter, nor are any hearings currently set.

WHEREFORE, Defendant removes this action to this Court pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

Respectfully submitted,

/s/ Nathan L. Whatley

Nathan L. Whatley, OBA #14601

McAFEE & TAFT

A PROFESSIONAL CORPORATION

Tenth Floor, Two Leadership Square

211 North Robinson Avenue

Oklahoma City, OK 73102-7103

Telephone: (405) 235-9621

Facsimile: (405) 235-0439

nathan.whatley@mcafeetaft.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22nd day of May, 2020, a true and correct copy of the above and foregoing was mailed to:

Jana B. Leonard, OBA #17844
Shannon Haupt, OBA #18922
LEONARD & ASSOCIATES, P.L.L.C.
8265 S. Walker
Oklahoma City, Oklahoma 73139
Telephone: (405) 239-3800
Facsimile: (405) 239-3801
leonardjb@leonardlaw.com
haupts@leonardlaw.net

ATTORNEYS FOR PLAINTIFF

/s/ Nathan L. Whatley

Nathan L. Whatley